

Los Angeles District North Coast Interagency Review Team (NC-IRT)

DRAFT Meeting Summary, 18 June 2013

Participants (Affiliation):

John Markham (USACE, Regulatory)
Shannon Pankratz (USACE, Regulatory)
Brienne McGuffie (USACE, Regulatory)
Paul Amato (USEPA, Region 9)
Dan Blankenship (CDFW, Region 5)
Joanna Gibson (CDFW, Region 6)
Dave Lawhead (CDFW, Region 5)
Kate Huckelbridge (California Coastal Commission (CCC))
Julie Vandermost (VCS Consulting)
Shawn Gatchel -Hernandez (VCS Consulting)
Tim DeGraff (WRA Consulting)
Nate Bello (WRA Consulting)
Tracey Brownfield (Land Veritas)
[Insert name of land manager for Elizabeth Lake MB site]
Debbie Sharpton (Mountains Restoration Trust)

AGENDA

Announcements:

Time: 1 - 1:30 PM

- a. Expiration and renewal of existing, pre-Rule ILF programs
 - 16 total (AZ and CA), 11 have been or are soon to be renewed
- b. Credit "pre-sales" vs. advance, watershed-based permittee-responsible mitigation (PRM)
 - See June 6, 2013 email from J. Markham (Corps Regulatory)
- c. Umbrella MBs in SPL
 - Feasible, with changes to BEI template, and consent from other IRT members
- d. CDFW process for review of MB/ILFs: [[HYPERLINK "http://www.dfg.ca.gov/habcon/conplan/mitbank/"](http://www.dfg.ca.gov/habcon/conplan/mitbank/)] (website in development)
 - Workflow and cost structure in development
 - Does not currently include ILFs
 - Website includes annual report(s) to California legislature (status of all CDFW-approved MBs)
- e. SPD Mitigation and Monitoring Guidelines (pending)
 - e1. Includes sections on Service Area and Credit Determinations
- f. RIBITS access for IRT members, and MB/ILF sponsors

MB and ILF Proposals:

1) Time: 1:30- 2:00 PM

Subject: Petersen Ranch Mitigation Bank, Revised Prospectus

Proposed Service Area: Santa Clara River and Antelope/Fremont Valley watersheds

Corps Manager: Brianne McGuffie

Sponsor/Consultants: Land Veritas Mitigation Banks/Vandermost Consulting

Document Source: The Corps is currently reviewing the revised Prospectus for completeness.

2) TIME: 2:00- 2:30 PM

Subject: Elizabeth Lake Mitigation Bank, Prospectus

Proposed Service Area: Santa Clara River watershed

Corps Manager: Shannon Pankratz

Sponsor/Consultants: Land Veritas Mitigation Banks/Vandermost Consulting

Document Source: The Corps Public Notice for the Bank Prospectus will be distributed shortly. This document is currently available on the RIBITS website. Go to [[HYPERLINK](http://geo.usace.army.mil/ribits/index.html)

"<http://geo.usace.army.mil/ribits/index.html>"], then to "Banks and ILF Sites" on left side of screen, select Elizabeth Lake Mitigation Bank, and then select "Cyber Repository" (document library) in upper right corner. Click on document folders (e.g., Prospectus, etc.) to view available documents. Contact me directly if you need a RIBITS user login or are having issues with the system.

3) TIME: 2:30- 3:00 PM

Subject: Soquel Canyon Mitigation Bank, Draft Instrument

Proposed Service Area: portions of San Gabriel, Santa Ana, and lower Los Angeles River watersheds

Corps Manager: Shannon Pankratz

Sponsor/Consultants: Land Veritas Mitigation Banks/Vandermost Consulting

Document Source: The Corps is currently reviewing the draft Bank Enabling Instrument (BEI) for completeness.

4) TIME: 3:00- 3:30 PM

Mountains Restoration Trust (MRT) ILF Final Instrument

Proposed Service Area: Santa Monica Bay and Calleguas Creek watersheds, and the headwaters of the Los Angeles River watershed

Corps Manager: John Markham

Sponsor/Consultants: Debbie Bruschaber

Document source: A red-line and "clean" version of this document are now available on the RIBITS website. In order to view these documents, YOU WILL NEED TO LOGIN TO RIBITS ([[HYPERLINK](http://geo.usace.army.mil/ribits/index.html)

"<http://geo.usace.army.mil/ribits/index.html>"]), go to "ILF Programs" on left side of screen, select Mountains Restoration Trust ILF Program, and then select "Cyber Repository" (document library) in upper right corner. Click on document folders (e.g., Prospectus, etc.) to view available documents.

IRT review deadline(s): July 15, 2013 for comments, July 30, 2013 to initiate dispute resolution process

DISCUSSION (see **bold text** for "action items")

- I. Petersen Ranch Mitigation and Conservation Bank
 - a. Sponsor (Introduction):

- i. IRT site visit scheduled for July 9, 10 AM
 - ii. Will prepare umbrella/multi-site BEI for Petersen Ranch & Elizabeth Lake, with IRT consent
- b. General issues raised (by Agencies):
 - i. USACE:
 - 1. *Comment:* Will discuss feasibility of umbrella/multi-site BEI (Done). **Provided consent to sponsor on June 25, 2013, and advised that sponsor should prepare revised Prospectus in support of IRT comment and public notice.**
 - 2. *Response:* N/A
 - 3. *Comment:* Will submit revised service area map to IRT for comment (Done). Submitted to IRT on June 25, 2013, comment due date July 9, 2013.
 - 4. *Response:* N/A
 - 5. *Comment:* Will discuss suitable functional/conditional assessment method to assist with credit determination and performance metrics, and will provide sponsor with guidance (Done). Corps advised sponsor on June 25, 2013 to use Riverine CRAM, and to incorporate credit determination in BEI.
 - 6. *Response:* N/A
 - ii. USEPA:
 - 1. *Comment:* Will discuss feasibility of umbrella/multi-site BEI internally
 - 2. *Response:* N/A
 - 3. *Comment:* [Placeholder]
 - 4. *Response:*
 - iii. CDFW:
 - 1. *Comment:* Will review revised Prospectus for completeness.
 - 2. *Response:* N/A
 - 3. *Comment:* CDFW does not object to use of portion of site for Permittee Responsible Mitigation (PRM)
 - 4. *Response:* Comment noted.
 - 5. *Comment:* [Placeholder]
 - 6. *Response:*
 - iv. IRT Recommendation(s): See above.
- II. Elizabeth Lake Mitigation Bank
 - a. Sponsor (Introduction):
 - i. Majority of watershed burned in recent “powerhouse fire”
 - 1. Concerns about bulk flows from upland areas negatively affecting MB site.

2. **Currently preparing geomorphology and hydrology reports to reflect current condition, and may also prepare plans for temporary erosion & sediment controls.**
 3. Coordinating with USFS regarding seed mix (e.g., native vs non-native)
 - ii. Will prepare umbrella/multi-site BEI for Petersen Ranch & Elizabeth Lake, with IRT consent
- b. General issues raised (by Agencies):
 - i. USACE:
 1. *Comment:* Public Notice distributed on June 18, 2013, 30-day comment period.
 2. *Response:* N/A
 3. *Comment:* **See above comments under Petersen Ranch regarding umbrella/multi-site MB, revised service area(s), and CRAM-based credit determination methodology.**
 4. *Response:* N/A
 5. *Comment:* Removal of sediment or check dams and installation of temporary debris basins may require Corps CWA Section 404 permit
 6. *Response:* Comment noted.
 - ii. USEPA:
 1. *Comment:* Recommended revising Prospectus to reflect current condition and revised project description
 2. *Response (sponsor):* **Will revise accordingly.**
 3. *Comment:* [Placeholder]
 4. *Response:*
 - iii. CDFW:
 1. *Comment:* **Will review Prospectus for completeness.**
 2. *Response:* N/A
 3. *Comment:* [Placeholder]
 4. *Response:*
 - iv. IRT Recommendation(s): See above.

III. Soquel Canyon Mitigation Bank

- a. Sponsor (Introduction):
 - i. Revised service area submitted to IRT on June 18, 2013.
 - ii. Will be meeting with Resource Conservation Authority (RCA) to discuss prospect of service area expansion into the W. Riverside County MS-HCP area, and the use of the MB to satisfy requirements of the MS-HCP.
- b. General issues raised (by Agencies):
 - i. USACE:

1. *Comment:* Will determine completeness of draft BEI (Done). **Distributed draft BEI to IRT and Corps counsel on June 25, 2013. Comments due by July 30, 2013.**
2. *Response:* N/A
3. *Comment:* **Recommended that sponsor provide detailed written justification regarding size and location of proposed service area, reiterated in email dated June 25, 2013.**
4. *Response:* Comment noted.
- ii. USEPA:
 1. *Comment:* [Placeholder]
 2. *Response:*
- iii. CDFW:
 1. *Comment:* Recommended that sponsor review recent “incompleteness” letter, and revise Prospectus and subsequent draft BEI accordingly. CDFW cannot review draft BEI until Prospectus is deemed complete.
 2. *Response:* **Sponsor submitted response recently for CDFW consideration.**
 3. *Comment:* Prospectus and draft BEI are substantially different with respect to service area, crediting, and mitigation types.
 4. *Response (sponsor):* The draft BEI reflects a less ambitious (reduced) plan, with smaller service area, fewer credits, and fewer mitigation types.
 5. *Comment:* Similar to Corps position, CDFW will not allow MB credit “pre-sales” (i.e., before MB is approved), but would allow PRM to occur within MB property on case by case basis.
 6. *Response:* Comment noted.
 7. *Comment:* [Placeholder]
 8. *Response:*
- iv. Other (Sponsor):
 1. *Comment:* Would like to have Instrument signed by all IRT members with the exception of CDFW prior to CDFW’s final review.
 2. *Response (agencies):* Given the potential inefficiencies (e.g., duplication of effort), this is highly unlikely.
- v. IRT Recommendation(s): See above.

IV. Mountains Restoration Trust (MRT) ILF program

a. Sponsor (Introduction):

- i. Changes between draft Instrument and final Instrument include response to comments from USEPA and Corps, as well as addition of advance credit calculations

1. Advance credit calculation was based upon Compensatory Planning Framework, including amount of Corps-authorized impact & mitigation over 5-year period and the amount of funding needed to begin mitigation site planning, as well as upon the amount of mitigation MRT expects to accomplish on an annual basis.
- ii. **IRT review deadline(s): July 15, 2013 for comments, July 30, 2013 to initiate dispute resolution process**
- b. General issues raised (by Agencies):
 - i. USACE:
 1. *Comment*: No comments.
 2. *Response*:
 - ii. USEPA:
 1. *Comment*: No comments.
 2. *Response*:
 - iii. Other (Sponsor):
 1. *Comment*: Has concerns if mitigation is required by agencies to occur within same 10-digit HUC as impacts, in part due to (wide) distribution of permittee's impact sites
 2. *Response (agencies)*: Comment noted. Final Instrument states that this is preference of Corps and USEPA, but its practicability will be determined on case by case basis. Mitigation within adjacent 10-digit watersheds (in designated service area) may require little additional justification.
 3. *Comment*: Concerned that the number of advance credits (1.5 credits) allocated for preservation within (upper) Los Angeles River watershed may be too low, based upon severity of developmental pressure, rarity of high-functioning aquatic resources, and high cost of land.
 4. *Response*: Comment noted. Instrument may be amended in future as need arises (e.g., once potential mitigation site(s) are identified and mitigation plan submitted).
 5. *Comment*: How to determine credits for removal of invasive animal species (e.g., crayfish, bullfrogs)?
 6. *Response*: As with invasive vegetative species, could constitute "enhancement," given the selective "lift" in function(s). With respect to method, start at top of watershed, locate highest densities, eradicate or relocate, and then measure recovery of affected native species.
 - iv. IRT Recommendation(s): See above.